IN THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Applicants:	**RONALD VERMEER**
Serial No.:	**10/572,719**
Filed:	**March 21, 2006**
For:	**CONCENTRATED SUSPENSIONS**
Art Unit:	**4173**
Examiner:	**FISHER, ABIGAIL L.**

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

DECLARATION

I, Peter Baur, of Schulstraße 5, 86938 Schondorf, Germany, a citizen of Germany, hereby declare:

1. that I have studied biology (with biochemistry, biophysics) at the Technical University of Munich, Germany, and that I have obtained a Biologist (Diploma) degree in 1991;

2. that I received the degree of Dr. rer. nat. at the Technical University of Munich, Germany, in 1993;

3. that I qualified as a University Lecturer (Habilitation) in Horticulture (Ecophysiology and Fruit Science at Leibniz University of Hannover in 1998 and that I am apl. Professor at University of Hannover since 2003;

4. that I entered the employ of Bayer Aktiengesellschaft, Leverkusen, in 1999, that after the spin-off from Bayer CropScience AG I am now employee of this company and that I am the Group Leader Bioavailability Optimization in the Formulation Technology Department in Frankfurt since 2003;

5. that the following tests have been carried out under my supervision and control.

Example

Penetration of Tebuconazole was measured with enzymatically isolated leaf cuticles from field trees (variety Golden Delicious, Commercial Orchard "Obsthof am Berg", Kriftel, 2008). The cuticles were fixed on stainless steel transport chambers and spray liquids with the test formulations were applied by means of a micropipette (10 µl per cuticle). Two fresh commercial formulations of Tebuconazole have been used. One is a SC300 (suspension) co-formulation with Trifloxystrobin with a content of 200 g/l Tebuconazole, the other a solo (solid) WG25 formulation of Tebuconazole with an active content of 25%. Both contain formulants but no adjuvants and none of the below mentioned test compounds. These formulations were tested with respect to the penetration of Tebuconazole with the adjuvant Genapol C-100 (Clariant) or other test compounds (formulants) like Agrimer ST (Vinylpyrrolidone/styrene block copolymer emulsion, ISP), Pluronic PE10500 (block copolymer, BASF) and Soprophor 4D384 (Tristyrylphenol ethoxylate sulfate, Rhodia). After evaporation of spray water in the lab, the transport chambers were kept under constant conditions 20°C and 60 % relative humidity. Samples have been taken after 3, 6, 24, 32, and 48 hours after application. There were 6 to 10 repetitions for each treatment. Results of the geometric mean values are shown in the below table.

Experiment 1

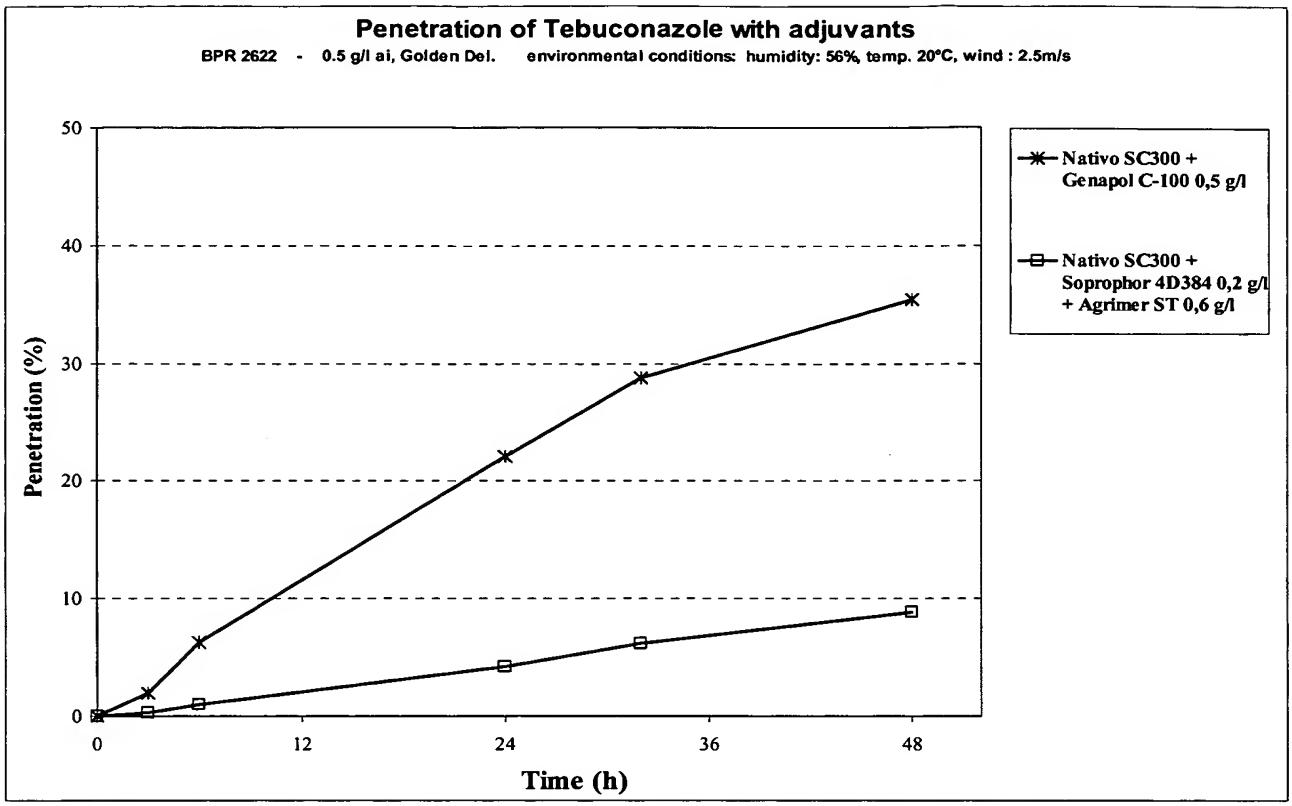
Formulations Tested

A: Nativo SC 300 (containing 200 g/L Tebuconazole and 100 g/L Trifloxystrobin) + 0.5 g/L Genapol C-100

B: Nativo SC 300 + 0.2 g/L Soprophor 4D384 + 0.6 g/L Agrimer ST

Results

Formulation	Penetration of Tebuconazole after				
	3 h	6 h	24 h	32 h	48 h
A	1.9	6.3	22.1	28.8	35.5
B	0.3	1.0	4.2	6.2	8.9



Experiment 2

Formulations Tested

A1: Folicur WG 25 (containing 250 g active ingredient per kg) + 0.5 g/L Genapol C-100

A2: Folicur WG 25 + 0.5 g/L Genapol C-100 (2nd Genapol sample)

B: Folicur WG 25 + 0.05 g/L Soprophor 4D384 + 0.15 g/L PE10500

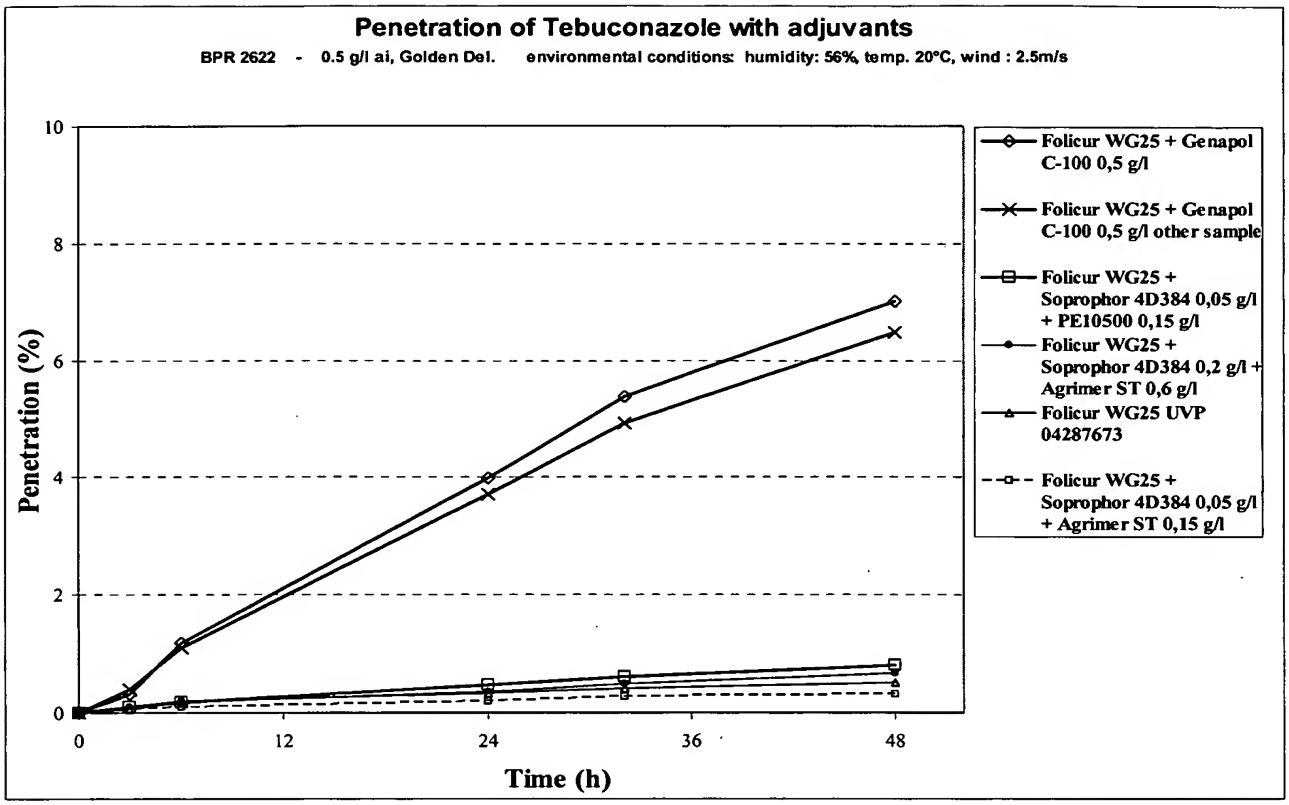
C: Folicur WG 25 + 0.2 g/L Soprophor 4D384 + 0.6 g/L Agrimer ST

D: Folicur WG 25 + 0.05 g/L Soprophor 4D384 + 0.15 g/L Agrimer ST

E: Folicur WG 25 without additives

Results

Formulation	Penetration of Tebuconazole after				
	3 h	6 h	24 h	32 h	48 h
A1	0.3	1.2	4.0	5.4	7.0
A2	0.4	1.1	3.7	4.9	6.5
B	0.1	0.2	0.5	0.6	0.8
C	0.1	0.2	0.3	0.5	0.7
D	0.05	0.1	0.2	0.27	0.31
E	0.05	0.2	0.3	0.4	0.5



The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Frankfurt, Germany,

2008-10-29 Peter Baur

Date Prof. Dr. Peter Baur

3-o-methylglucose

<chemical> A non-metabolizable glucose analogue that is not phosphorylated by hexokinase. 3-o-methylglucose is used as a marker to assess glucose transport by evaluating its uptake within various cells and organ systems. (j neurochem 1993;60 (4):1498-504)

Chemical name: D-glucose, 3-O-methyl-

(12 Dec 1998)

Previous: 3-methylitaconate delta-isomerase, 3-O-methyl-fluorescein phosphatase
Next: 3 (or 17)-beta-hydroxysteroid dehydrogenase

Published at the Centre for Cancer Education, University of Newcastle upon Tyne